

REMARKS

Amendments to claims 10 and 36 are to bring these claims into conformity with the language of their respective base claims. Amendments to claims 60 and 61 are for the purpose of clarifying what Applicants regard as the invention. No new matter has been added.

I. CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-2, 4-6, 10-13, 18, 22-23, 29-32, 36-40, 44, 56-59 and 61 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hughes et al. (U.S. Patent No. 4,432,370). Claims 1, 6-8, 10, 14, 29, 32-36, 39-40, 56-57, and 60-61 were rejected under 35 U.S.C. 102(e) as being anticipated by Acharya et al. (U.S. Patent No. 6,922,462). Applicants respectfully note that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1, 22, and 29

Claim 1 recites creating a *volumetric composite image* using the first and the second sets of image data. (Emphasis Added). Claims 22 and 29 recite similar limitations. Hughes et al. does not disclose or suggest the above limitations. Instead, Hughes et al. teaches determining a 2-D image (not a volumetric image) of the body structure (Col. 4, Lines 49-54).

Acharya et al. also fails to disclose or suggest the above limitations. Acharya et al. teaches creating a composite image using by subtracting the non-contrast dataset from the contrast-enhanced dataset (Col. 6, Lines 15-19 and 53-55). The composite images can then be viewed on the display screen (Col. 7, Lines 5-7). Acharya does not disclose that the composite image is a three-dimensional image. As such, Applicants respectfully submit claims 1, 22, and 29, and their respective dependent claims, are allowable over Hughes et al., and Acharya et al.

Claims 7 and 33

Claims 7 and 33 recite that the computed tomography procedure (for generating the first and the second sets of image data) is performed using a cone beam. Applicants respectfully submit that Acharya et al. does not disclose the above limitations. Acharya et al. has failed to

disclose using a cone beam to generate two sets of images at the first energy and the second energy. Notably, the cited passage (Column 4, lines 7-14) of Acharya et al. in fact does not disclose CBCT. Rather, Acharya et al. discloses using a fan beam (See Figure 1). For this additional reason, the dependent claims 7 and 33 are believed to be allowable over Acharya et al.

II. CLAIMS REJECTIONS UNDER 35 U.S.C. § 103

Claims 3, 15-16, 41-42, 51-52 and 55 stand rejected under 35 U.S.C. 103(a) as being obvious over Hughes et al. in view of Trauernicht (U.S. Patent No. 5,629,968). Claims 9, 17, 19-21, 24-28, 43, and 45-47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al. alone. Applicants respectfully submit that these claims are allowable for at least the same reasons that their respective base claims are allowable.

CONCLUSION


In view of foregoing, Applicants respectfully submit that all claims are in condition for allowance.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-4047**, referencing billing number **7036492001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-4047**, referencing billing number **7036492001**.

Respectfully submitted,

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